

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3197 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JASHBHAI GOKALBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR GA PANDIT with Mr. K.G.Pandit for Petitioner

Mr. A.J.Desai, Ld.Asstt. Govt. Pleader for Respondent No. 1, 2

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CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 02/09/96

ORAL JUDGEMENT

The petitioner has filed this petition challenging the order at Annexure-B dated 1-5-1985 passed by District Magistrate, removing the petitioner as Police Patel under section 9 of the Bombay Village Police Act, 1867.

From the order it appears that the petitioner was

appointed as Police Patel by an order for a period from 1-8-1984 to 31-7-1989. Mr. A.J. Desai, learned Asstt. Government Pleader has pointed out that, now there is no need to go into the merits of the case, as, even otherwise the matter has become infructuous because even if the petition is allowed the period of appointment being over much before, there is no purpose in entertaining the petition. In my view he is absolutely right. The petitioner was appointed as Police Patel from 1-8-1984 to 31-7-1989 and even if the order at Annexure-B is set aside the petitioner cannot act as Police Patel because the period is over by course of time. Mr. Desai pointed out that, as per the proforma the petitioner was required to mention whether he has been involved in any crime or not and that information has been suppressed by the petitioner. Therefore it is said that, without entering into the merits of the case also this petition may be rejected. Suffice it is to say that, as the petition has become infructuous this Court is not inclined to discuss the matter in detail. Hence the petition is rejected as it being infructuous. Rule discharged.

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